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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,194	06/07/2001	Tsuyoshi Waragai	35.C15421	7669

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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

LEE, CHEUKFAN

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/875,194

Applicant(s)

WARAGAI ET AL.

Examiner

Cheukfan Lee

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-7 is/are rejected.  
7) ☒ Claim(s) 8 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

1. Claims 1-8 are pending. Claim 1 is independent.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumori Yoshinori (Japanese Publication No. 05-022515) (Assignee SANYO ELECTRIC CO LTD, TOTTORI SANYO ELECTRIC CO LTD), a copy of which in English translation by Machine Translation is also enclosed.

Regarding claim 1, Matsumori Yoshinori (hereafter Matsumori) discloses an image reading apparatus (picture reader) comprising a light transmitting member (7 in Drawing 2) to be opposed to an original (4 in Drawing 1), reading means (10, Drawing 2) for reading an image of the original (4), a standard portion (white reference plate or plane 11 in Drawing 2) which is read by the reading means (10) to perform shading compensation. The standard portion (11) is provided on an opposite side (underside in Drawing 2) of the transmitting member (7) to a side, to which the original (4) is to be opposed.

Regarding claim 2, according to Drawings 1 and 2, the light transmitting member (7) supports the original (4) as claimed.

Regarding claim 3, according to Drawings 1 and 2, the light transmitting member (7) also guides movement of the original as claimed.

Regarding claim 4, Matsumori further discloses another embodiment of the contact type image sensor (3), which has the light transmitting member (7) and image reading means (10), and that is constituted somewhat long, and the white reference plate (11) (standard portion) is formed in locations other than the reading width of face (L) of a manuscript (English translation, section 0010, the last three lines). That means, the contact type image sensor (3) has a relatively long housing relative to the width of the manuscript or original document, the white reference plate (11) is formed on the inside surface of the light transmitting member (7) on a location(s) outside the original document image readable width (L).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumori Yoshinori (Japanese Publication No. 05-022515) (Assignee SANYO ELECTRIC CO LTD, TOTTORI SANYO ELECTRIC CO LTD) in view of Yoshimizu (U.S. Patent No. 6,400,472).

Regarding claim 5, Matsumori discussed for claim 1 above does not disclose a plurality of the light transmitting member including a first and a second light transmitting members, a plurality of the reading means, a plurality of the standard portions as claimed. Matsumori disclose one light transmitting member (7), one reading means (10), and one standard portion (11), all of which are a component of a contact type image sensor (3).

Yoshimizu discloses a document image reading device having two contact image sensors (46 and 48) positioned on opposite sides of a substantially straight or flat portion of a document conveying path for scanning both sides of an original document (Fig. 4A). Each of the contact type image sensors (46 and 48) comprises a light transmitting member (47) and image reading means. The light transmitting member (47) and reading means of one of the sensors (46 and 48) read on the claimed first light transmitting member and first reading means, and the light transmitting member (47) and reading means of the other of the sensors (46 and 48) read on the claimed second light transmitting member and second reading means.

Since the sensors of both Matsumori and Yoshimizu are all contact type image sensors, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ two such sensors (3 of Matsumori) as the sensors (46 and 48) of Yoshimizu to enable the apparatus to read both sides of the original document in one pass, the two sensors each having not only the light transmitting member, the reading means, but also the standard portion (white level plate 11).

Regarding claim 6, the claims limitations do not carry patentable weight. The two contact type image sensors employed in the above obvious apparatus of Matsumori in view of Yoshimizu are the same. Thus, the widths of the corresponding two standard portions (11) are the same. However, one of ordinary skill in the art would have realize that by making the two widths slightly different from each other, the sensors are recognizable as the first (lower or upper) sensor and the second (upper or lower) sensor if ever detached or taken apart from the device for the purpose of cleaning or maintenance, since the standard portions are seen through the light transmitting members (7) of the sensors. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the two standard portions with widths slightly different from each other in order to make the contact image sensors differentiable from each other once disassembled from the device.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumori Yoshinori (Japanese Publication No. 05-022515) (Assignee SANYO ELECTRIC CO LTD, TOTTORI SANYO ELECTRIC CO LTD) in view of Yoshimizu (U.S. Patent No. 6,400,472) and Sobue (U.S. Patent No. 4,907,097).

Regarding claim 7, the apparatus of Matsumori in view of Yoshimizu is discussed for claim 5 above has both of its sensors (contact type image sensors) reading an original document being conveyed. None of the two sensors reads a stationary original and an original being conveyed.

Sobue teaches an original reading apparatus, for shading correction, having an image reading section for reading a stationary original (7) placed on a light transmitting member (4) and an original (6) being conveyed (Fig. 1). The apparatus further comprises a standard portion (white reference plate 3) provided on an opposite side (lower side) of the light transmitting member (4) to a side (upper side of 4), to which the original (7) is to be opposed.

Based on the discussion of Yoshimizu that two image reading means are provided for reading both sides of the original being conveyed, and the disclosure of Sobue, one of ordinary skill in the art would have realized the benefit of installing an image reading means, such as the contact type image sensor of Yoshimizu or of Matsumori, at the slit reading location (8), replacing component (2). That is the benefit of scanning both sides of an original. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the contact type image sensor of Matsumori having the standard portion (white reference plate 11) positioned on the inner surface or side of the light transmitting member (7), that reads an original being conveyed, in order to provide an apparatus having a second reading means (in the contact type image sensor positioned above) that reads an original being conveyed and a first reading means (the reading section of Sobue positioned below) that reads a stationary original and an original being conveyed.

7. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is an examiner's statement of reasons for allowance:

Claim 8 would be allowable over the prior art of record including Matsumori, Yoshimizu and Sobue alone or in combination. The apparatus of Matsumori in view of Yoshimizu and Sobue discussed for claim 7 above does not seem to have a width of the (first) standard portion (3 of Sobue) relatively smaller than a width of the (second standard portion (11 of Matsumori). Instead, the standard portion (3) seems relatively large compared to the standard portion (11). The (first) standard portion (3) is associated with the reading means that reads both a stationary original and an original being conveyed. The examiner found no motivation to make the width of the first standard portion (3 of Sobue) smaller than that of the second portion (11 of Matsumori).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



Tamagaki (U.S. Patent No. 6,760,609) discloses an original reading apparatus having a white reference plate (3) positioned at an end of a contact type image sensor (Fig. 5).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (703) 305-4867. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee  
July 1, 2004



Cheukfan Lee